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6 PLANTRONICS, INC.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 PLANTRONICS, INC., a Delaware
corporation,

13 Plaintiff,

14 v.
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16 AMERICAN HOME ASSURANCE
COMPANY, a New York corporation; THE
INSURANCE COMPANY OF THE STATE
17 OF PENNSYLVANIA, a Pennsylvania
corporation; ATLANTIC MUTUAL
18 INSURANCE COMPANY, a New York
corporation,

19 Defendants.
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CASE NO. C07-06038 PVT

**[PROPOSED] ORDER DENYING
ATLANTIC MUTUAL INSURANCE
COMPANY'S MOTION TO DISMISS
COMPLAINT**

Date: March 18, 2008

Time: 10:00 a.m.

Place: Courtroom 5

Trial Date: None Set

(Honorable Patricia V. Trumbull)

1 The motion of defendant Atlantic Mutual Insurance Company ("Atlantic Mutual") to
2 dismiss plaintiff's complaint pursuant to rule 12(b)(6) of the Federal Rules of Civil Procedure
3 came on regularly for hearing on March 18, 2008. After full consideration of the papers
4 submitted by the parties, oral arguments at the hearing, and the file in this matter:

5 IT IS HEREBY ORDERED that Atlantic Mutual's motion to dismiss the complaint is
6 DENIED.

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8 Dated: _____, 2008

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10 Patricia V. Trumbull
11 United States Magistrate Judge
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